

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 12/16/14

UNITED STATES OF AMERICA

- v. -

ROBERT LUSTYIK,
JOHANNES THALER, and
RIZVE AHMED,
a/k/a "Caesar,"

Defendants.

13 Cr. 616 (VB)

PROTECTIVE ORDER
WITH RESPECT TO
CERTAIN DISCOVERY

VINCENT L. BRICCETTI, *District Judge.*

This matter comes before the Court on the Government's Supplemental Motion Pursuant to Section 4 of the Classified Information Procedures Act and Rule 16(d)(1) of the Federal Rules of Criminal Procedure and the declarations of Government officials (collectively, the "Government Submission"). The Government Submission was filed *ex parte, in camera*, with the Court on December 5, 2014:

1. The Government Submission sought a protective order, pursuant to Section 4 of the Classified Information Procedures Act ("CIPA") and Federal Rule of Criminal Procedure 16(d)(1), regarding disclosure of certain information. After *ex parte, in camera* consideration of the Government Submission, the Court finds that the Government Submission contains and describes classified information that requires protection against unauthorized disclosure. That information is described with particularity in the Government Submission.

2. Disclosure of the classified information described in the Government Submission to the defense or to the public reasonably could be expected to cause damage to the national security.

3. The classified information described in the Government Submission is not “relevant and helpful” to the preparation of the defense, as required under *United States v. Aref*, 533 F.3d 72, ⁷⁹~~78~~ (2d Cir. 2008).

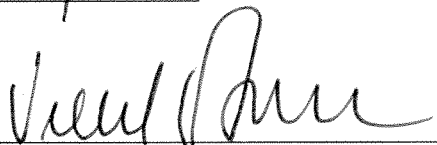
Accordingly, it is:

ORDERED that the Government Motion for a protective order is granted, such that the classified information, as described in the Government Submission, need not be disclosed to the defense, and it is further

ORDERED that the Government Submission is hereby sealed, and shall remain preserved in the custody of the Classified Information Security Officer in accordance with established court security procedures, until further order of this Court.

SO ORDERED.

12/16, 2014


HONORABLE VINCENT L. BRICCETTI
United States District Judge
Southern District of New York